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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,942

08/18/2006

Kimitake Takamura

MFA-105US

2372

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7590

11/24/2009

RATNERPRESTIA

P.O. BOX 980

VALLEY FORGE, PA 19482

EXAMINER

ANDLER, MICHAEL S

ART UNIT

PAPER NUMBER

2876

MAIL DATE

DELIVERY MODE

11/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,942	TAKAMURA ET AL.	
	Examiner	Art Unit	
	Michael Andler	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The examiner acknowledges and has entered the amendments/arguments filed on 1 October 2009.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a) Claim **1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer et al. (US 5,552,641) in view of Proske et al. (US 4,595,902).

Regarding claim **1**, Fisher et al. discloses an apparatus comprising:

a communicating unit that communicates with a vehicle control device (Fig 3, items 18 and 41; Col 5, lines 7-8);

a nonvolatile memory that stores personal information in advance (See Col 5, lines 5-8 and Fig 3, item 18 where it is understood that the control unit would have some type of memory in order to store the expected command code); and

a control unit (Fig 3, item 18) that collates personal information recorded in an IC card (Col 5, lines 47-48) with the personal information stored in the nonvolatile memory (See Col 5, lines 5-8 and Fig 2 where a code that identifies a user of a particular transponder can be regarded as information personal to the user (i.e. "personal

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information”)) when the IC card comes close to the IC card adapter apparatus (Col 5, lines 47-55), and

allows the communicating unit to perform transmitting and receiving operations when a result of the collation indicates coincidence (Fig 2 and Col 5, lines 5-8),

wherein the IC card adapter apparatus conducts polling to the IC card which comes close to the IC card adapter apparatus when an external radio wave accessing the IC card is detected responsive to the polling (See Abstract; Col 5, line 66 thru Col 6, line 6; and Fig 2, where a repeated question code is a form of “polling” and an interfering transmission received on a transponder antenna represents a form of “accessing”),

an interfering wave is output from the IC card adapter apparatus (See, for example, Col 7, lines 46-64 which describes alternate ways of transmitting a secondary signal (an interfering wave: i.e. a wave that interferes with another receiver's ability to receive the data) in order to correct a reading error caused by interference from an outside source where the secondary signal “causes the data not to be normally received by the outside” as defined on page 20 of applicant's specification).

Fischer et al. suggests an invention for correcting communication problems between a receiver in a vehicle door and a vehicle remote control access control device (See Fig 1) such as “interference from an interfering transmitter broadcasting in the immediate vicinity” (Col 1, lines 31-32).

Fischer et al. does not specifically teach that the data output from the IC card is transmitted together with the interfering wave.

Proske et al. discloses that the data output from the IC card is transmitted together with the interfering wave (See Fig 3 and Col 4, lines 52-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to transmit a jamming signal from a vehicle door receiver in conjunction with a transponder code signal in a keyless vehicle access system in order to prevent an unauthorized person from intercepting the code signal transmitted by the portable transponder (See Proske et al., Col 5, lines 15-17).

Response to Arguments

3. Regarding claim **1**, applicant has amended the claim to clarify that the data output from the IC card “is transmitted together with the interfering wave” and has argued that the cited prior art reference of Fischer et al. (US 5,542,641) does not teach this additional limitation.

Applicant's arguments with respect to claim **1** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Andler whose telephone number is (571) 270-5385. The examiner can normally be reached on Monday-Friday 7:30 AM to 3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Andler/
Examiner, Art Unit 2876

/Michael G Lee/
Supervisory Patent Examiner, Art Unit 2876